

REMARKS

The rejections of Claims 1-24 under 35 U.S.C. 103(a) as set forth in the Office action dated 05/17/06 have been made final. All of such rejections rely upon Glatkowski (WO 02/076724 A1) as a primary reference in view of Ohtsu (US 6,436,591), and variously upon further secondary references. Reconsideration of such rejections is again respectfully requested, in view of the following clear errors in the Examiner's interpretations of the teachings of Glatkowski.

Response to Arguments

In response to Applicant's arguments filed 21 August 2006 regarding the use of Glatkowski as the primary reference, the Examiner states that such arguments have been fully considered but they are not persuasive.

Applicant argues that the reference to filters or polarizers made by Glatkowski, is only made with respect to a plurality of differentially-oriented nanotube film layers wherein each layer can be oriented and adjusted, rather than to a filter comprising a layer of nanotubes covered by a layer of polymeric resin binder, since there is no teaching or suggestion that the use of a polymeric overcoat as referenced at page 13, lines 16-17, has any relationship to the embodiment of a filter or a polarizer at page 14, lines 23-24.

The Examiner responds (repeatedly) that Glatkowski teaches on page 14 that "each" nanotube film layer, where the nanotubes are preferably oriented in the plane of the film, forms a filter or polarizer in light of the citation "a plurality of differentially-oriented nanotube film layers wherein each layer can be oriented and adjusted, thus forming filters or polarizers" (page 14, lines 19-24), where the layers, filters and polarizers are all cited in the plural form. Such interpretation of the teachings Glatkowski represents clear error, however, as there is no teaching that each nanotube film layer forms a filter or polarizer. Rather, the "filters or polarizers" of Glatkowski are only described in reference to a preferred embodiment where they are formed from a plurality of differentially-oriented nanotube film layers, where each layer (i.e., each of such plurality of differentially-oriented nanotube film layers) can be oriented and adjusted. It is clear from such description that it is the differential orientation of the plurality of layers that results in "thus forming" the referenced filters or polarizers, not that

each individual layer is a filter or polarizer, as such disclosed filters or polarizers embodiment is only disclosed in the context of employing differentially-oriented nanotube film layers. There is clearly no support for the Examiner's interpretation that each nanotube layer is a filter layer, as this would eliminate the "differentially-oriented" requirement of the described embodiment (i.e., it is clear from such described embodiment that each layer must be differentially-oriented relative to another of such plurality of layers to form the described filters or polarizers).

Accordingly, the reference to filters or polarizers is clearly only made in Glatkowski with respect to an embodiment employing a plurality of differentially-oriented nanotube film layers wherein each layer can be oriented and adjusted, and, contrary to the Examiner's assertions, there is no teaching that "each" nanotube film layer of Glatkowski forms a filter or polarizer. Further, there is clearly no teaching or suggestion that use of a polymeric overcoat as referenced at page 13, lines 16-17 has any relationship to the embodiment of a filter or polarizer at page 14, lines 23-24 as apparently assumed by the Examiner. Finally, while some further individual features of the carbon nanotube coatings of Glatkowski may be similar to some features of the presently claimed conductive color filters as noted by the Examiner, there is no teaching or suggestion in Glatkowski that the corresponding further cited sections of Glatkowski describing such similar features are in any way directed towards a conductive color filter as presently claimed. Reconsideration of the final rejections is accordingly respectfully requested in view of the clearly erroneous interpretation of the teachings of Glatkowski relative to the present claimed invention.

The Examiner further argues that Ohtsu, the secondary reference, is merely cited as evidence that it would have been obvious to one of ordinary skill in the art to have colored the polymeric resin binder covering the conductive film layer of carbon nanotubules in the "filter" of Glatkowski, as defined by Applicant's specification (Fig. 1, page 3, lines 24-30), for the purpose of providing a conductive color filter. Such argument is clearly improperly made in hindsight based on applicants teachings, however, as the carbon nanotube layer with polymeric resin binder embodiment of Glatkowski is not taught or suggested for use as a "filter" layer as alleged by the Examiner, and as while Ohtsu teaches conductive color filters made from other materials by other techniques, it clearly

does not teach or suggest conductive color filters made from a layer of carbon nanotubes covered by a layer of colored polymeric resin binder.

In view of the foregoing remarks, it is clear that a prima facie case of obviousness has not been established, and reconsideration of this patent application is accordingly respectfully requested. A prompt and favorable action by the Examiner is earnestly solicited. Should the Examiner believe any remaining issues may be resolved via a telephone interview, the Examiner is encouraged to contact Applicants' representative at the number below to discuss such issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew J. Anderson", written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.